

# REMARKS

This Response is submitted in reply to the Final Office Action dated December 9, 2010. Claims 7 to 17 are pending in the present application. Claims 1 to 6 stand previously canceled. Claims 7, 8 and 11 to 13 are in independent form. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

The Office Action rejected Claims 7 to 13 and 15 to 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,216,231 to Gehrman ("Gehrman") in view of U.S. Patent Publication No. 2003/0093542 to Saito ("Saito"). Applicant respectfully disagrees with these rejections.

Gehrman discloses a system for establishing a wireless communication link. Fig. 3b of Gehrman illustrates a message flow of a communications session.

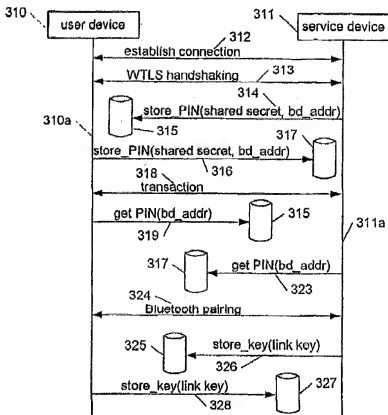


Fig. 3b

Column 10, line 53 to column 11, line 57 of Gehrman discloses:

FIG. 3b illustrates the message flow during the communications session described in connection with FIG. 3a .... After a connection between the user communications device 310 and the service communications device 311 is established by the message sequence 312, a WTLS handshake is performed by the message sequence 313.

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After a secure WTLS handshaking is established a further transaction 318 may be performed. The stored PIN value may be retrieved from the memories or storage media 315 and 317, respectively, via corresponding 'get\_PIN' functions 319 and 323. On the basis of the PIN value, an initialisation key may be calculated at the user communications device and the service communications device, respectively. The initialisation key is used during the pairing sequence 321 which comprises unit authentication based on the initialisation key and the generation and exchange of a link key. The link key is stored in the memory or storage media 325 at the user communications device and 327 at the service communications device, respectively, e.g. via respective 'store\_key' functions 326 and 328. After this initialisation procedure the user communications device and the service communications device may continue to communicate or disconnect the communications link. In subsequent communications session between the user communications device and the service communications device, unit authentication may be performed directly on the basis of the stored link key without establishing a WTLS handshake, the generation and/or exchange of PIN values and initialisation keys. If encryption is desired, an encryption key may be derived from the link key.

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It is further understood that the PIN value may be used as a link key directly, instead of using the PIN value as a basis for the generation of the initialisation key which, in turn, is used during the pairing of the Bluetooth units resulting in a common link key. Hence, instead of using the PIN value as an input to the process which generates the initialisation key, the PIN value, or a value derived from it, may be stored directly as a link key in both devices. Hence, in a subsequent session, the existence of the link key will be detected and a pairing of the Bluetooth devices is not necessary.

Saito discloses a communication device and communication control method using efficient echonet address determination scheme. The Abstract of Saito discloses:

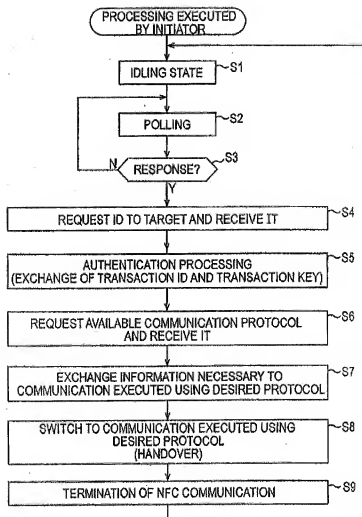
In a communication device for carrying out communications according to an Echonet protocol on a network of a prescribed network layer protocol, a

prescribed bit sequence value of a network layer address or a datalink layer address of the communication device is set as a candidate for an Echonet address to be used in the Echonet protocol. Then, an inquiry packet for inquiring whether the prescribed bit sequence value is identical to the Echonet address used by each other communication device or not is transmitted, and the prescribed bit sequence value is determined as the Echonet address of the communication device when the prescribed bit sequence value is judged as not identical to any of Echonet addresses used by the other communication devices.

Unlike the communication system of Claim 7, the communication system resulting from the combination of Gehrman and Saito does not disclose a second communication protocol being selected based on a negotiation between two communication devices by using a first communication protocol.

In Gehrman, the user device and the service device communicate by using WTLS and then by using Bluetooth (Gehrman, Fig. 3b). Gehrman's user device and service device do not have any chance to negotiate what communication protocol will be used as the second communication by using the WTLS. In other words, the protocol of the second communication is fixed to Bluetooth. On the other hand, one of the features of the current disclosure is to negotiate a second communication protocol which is available for both a first communication apparatus (e.g., the initiator) and a second communication apparatus (e.g., the target). To achieve this feature, in one example embodiment of the present disclosure, (1) the initiator device requests usability of one or more communication protocols to the target device by the first communication protocol, (2) receives one or more protocol information of communication protocol available by the target device, and (3) switches the communication protocol between the initiator device and the target device from the first communication protocol to a second protocol available by the target device according to the result of the negotiation ((1) +(2)). By way of example, Fig. 13 of the present application (reproduced below) illustrates a flowchart explaining processing of a first communication apparatus (e.g., the initiator).

FIG. 13



Paragraphs [0121] to [0123] of the present application publication disclose, with emphasis added:

[0121] At step S6, the initiator requests the target a communication protocol that can be used by the target and receives the available protocol information of the available communication protocol transmitted from the target in response to the request. . . . With this operation, the initiator recognizes the available communication protocol of the target.

[0122] Thereafter, the initiator selects a desired communication protocol (hereinafter, appropriately referred to as desired protocol) from the communication protocols that can be used by the initiator and the target and goes

from step S6 to S7. At step S7, the initiator exchanges communication information, which is necessary to a communication by the desired protocol, between it and the target and goes to step S8.

[0123] At step S8, the initiator switches (handovers) the communication protocol of MAC Layer (and further Physical Layer) from NFCIP-1 to the desired protocol. . . .

Accordingly, Applicant submits that unlike the communication system of Claim 7, the communication system resulting from the combination of Gehrmann and Saito does not disclose a second communication protocol being selected based on a negotiation between two communication devices by using a first communication protocol.

For at least these reasons, it is respectfully submitted that independent Claim 7 is patentably distinguished over Gehrmann and Saito and in condition for allowance.

Independent Claims 8 and 11 to 13 each include certain similar elements to independent Claim 7. For reasons similar to those discussed above with respect to independent Claim 7, independent Claims 8 and 11 to 13 (and dependent Claims 9, 10 and 15 to 17) are each patentably distinguished over Gehrmann and Saito and in condition for allowance.


The Office Action rejected Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Gehrmann in view of Saito as applied to Claim 13, further in view of U.S. Patent Publication No. 2004/0193402 to Nolan et al. ("Nolan").

Applicant respectfully submits Nolan fails to cure the deficiencies of Gehrmann and Saito discussed above. Because Claim 14 is dependent on independent Claim 13, Applicant submits Claim 14 is patentable over the cited prior art for at least the same reasons discussed above, and for the additional patentable elements recited therein.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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